



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 17, 1991

Mr. Vernon Vick
Upshur County Treasurer
P.O. Box 730
Gilmer, Texas 75644

OR91-191

Dear Mr. Vick :

You previously asked this office whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11979. In our response to you dated March 29, 1991, we requested that you submit copies of, and your arguments for withholding, the requested documents to this office within 14 days of the date of our letter, with the caveat that your failure to do so would result in the waiver of the act's discretionary exceptions to required public disclosure.

More than 14 days have expired since the date of our letter to you, yet we have not received any copies of the requested documents or your arguments as to why the information should be withheld pursuant to the exceptions you raise. Your burden under section 7(a) of the Open Records Act is to request a decision on whether specific information is within specific exceptions. A bare claim that an exception applies with no explanation of why it applies will not suffice. Attorney General Opinion H-436 (1974). Further, in placing a time limit to produce records or to request a decision from the attorney general, the legislature recognized the value of timely production of documents and arguments as to why the information is excepted from public disclosure.

Consequently, this office cannot rule that your request for a decision is timely or that your claims with respect to the discretionary exceptions are valid. The requested

information is therefore presumed to be public, unless otherwise deemed confidential by law. Unless you demonstrate to this office within 14 days of the date of this letter compelling reasons why the information should not be released, the requested information must be released in its entirety.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/lcd

Ref.: ID# 11979

cc: Richard B. Eason
U.C.M.
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